

1 **R307. Environmental Quality, Air Quality.**

2 **R307-413. Permits: Exemptions and Special Provisions.**

3 **R307-413-1. Definitions and General Requirements.**

4 (1) The following additional definitions apply to R307-
5 413-7.

6 "Boiler" is defined in R315-1-1, which incorporates by
7 reference 40 CFR 260.10, and is identified as follows:

8 (a) an industrial boiler located on the site of a facility
9 engaged in a manufacturing process where substances are
10 transformed into new products, including the component parts of
11 products, by mechanical or chemical processes;

12 (b) a utility boiler used to produce electric power,
13 steam, heated or cooled air, or other gases or fluid for sale;

14 (c) a used-oil fired space heater provided that the burner
15 meets the provisions of R315-15-2.4.

16 "Used Oil" is defined as any oil that has been refined from
17 crude oil, used, and, as a result of such use contaminated by
18 physical or chemical impurities.

19 (2) Any control apparatus installed on a source that is
20 exempted under R307-413-2 through 6 shall be adequately and
21 properly maintained. The owner or operator of any new or
22 existing emission unit that is exempted under R307-413-2 through
23 6 is required to comply with all other applicable rules in Title
24 R307.

25 (3) If the executive secretary has reason to believe,
26 after completion of an appropriate analysis and evaluation in
27 consultation with the source owner or operator, that the
28 emissions from a source described in R307-413-2 through 6 are
29 not meeting any specified approval order or State Implementation
30 Plan limitation, or create an adverse impact to the environment,
31 or would be injurious to human health or welfare, then the
32 notice of intent and approval order provisions of R307-401 will
33 apply.
34

35 **R307-413-2. Small Source Exemptions - De minimis Emissions.**

36 (1) A new or existing stationary source is exempt from the
37 notice of intent and approval order requirements of R307-401 if
38 the following conditions are met:

39 (a) it is not regulated by any standard or requirement of
40 42 U.S.C. 7411 or 7412;

41 (b) its potential to emit does not make it a stationary
42 major source or require emission offset provisions as required
43 by R307-403 for a new or modified source;

44 (c) its actual emissions are less than 5 tons per year per
45 air contaminant of any of the following air contaminants:
46 sulfur dioxide (SO₂), carbon monoxide (CO), nitrogen oxides
47 (NO_x), particulate matter (PM₁₀), ozone (O₃), or volatile organic

1 compounds (VOCs);

2 (d) its actual emissions are less than 500 pounds per year
3 of any hazardous air pollutant and less than 2000 pounds per
4 year of any combination of hazardous air pollutants;

5 (e) its actual emissions are less than 500 pounds per year
6 of any air contaminant not listed in (c) or (d) above and less
7 than 2000 pounds per year of any combination of air contaminants
8 not listed in (c) or (d) above; and

9 (f) for purposes of determining applicability of R307-413-
10 2, other air contaminants that are drawn from the environment
11 through equipment in intake air and then are released back to
12 the environment without chemical change, as well as carbon
13 dioxide (CO₂), nitrogen (N₂), oxygen (O₂), argon (Ar), neon (Ne),
14 helium (He), krypton (Kr), xenon (Xe) should not be included in
15 emission calculations.

16 (2) Small Source Exemption - Registration Required in
17 Nonattainment and Maintenance Areas. The owner or operator of a
18 stationary source located in a nonattainment area or a
19 maintenance area for the air contaminants, including ozone
20 precursors, that is claiming an exemption under R307-413-2 shall
21 submit to the executive secretary a written registration notice.
22 An existing source shall submit this registration notice no
23 later than March 15, 1997. A new source shall submit the
24 registration notice prior to commencing construction. The notice
25 shall include the following minimum information:

26 (a) identifying information including company name and
27 address, location of source, telephone number, and name of plant
28 site manager or point of contact;

29 (b) a description of the nature of the processes involved,
30 equipment, anticipated quantities of materials used, the type
31 and quantity of fuel employed and nature and quantity of the
32 finished product;

33 (c) identification of expected emissions;

34 (d) estimated annual emission rates;

35 (e) any control apparatus used; and

36 (f) typical operating schedule.

37 (3) The owner or operator of a temporary source that is
38 claiming exemption under R307-413-2 must still comply with the
39 conditions of R307-401-7.

40 **R307-413-3. Flexibility Changes**

41 (1) A change to an existing stationary source is exempt
42 from the notice of intent and approval order requirements of
43 R307-401 if the source is covered by an approval order and the
44 change satisfies the following conditions:

45 (a) the change is not regulated by any standard or
46 requirement of 42 U.S.C. 7411 or 7412,
47

1 (b) the increases in allowable emissions from the change
2 since the issuance of the current approval order for the source
3 are less than:

4 (i) 5 tons per year per air contaminant of any of the
5 following air contaminants: sulfur dioxide (SO₂), carbon
6 monoxide (CO), nitrogen oxides (NO_x), particulate matter (PM₁₀),
7 ozone (O₃), or volatile organic compounds (VOCs);

8 (ii) 500 pounds per year of any hazardous air pollutant
9 and 2000 pounds per year of any combination of hazardous air
10 pollutants; and

11 (iii) 500 pounds per year of any air contaminant not
12 listed in (i) or (ii) above and 2000 pounds per year of any
13 combination of air contaminants not listed in (i) or (ii) above;

14 (c) for purposes of determining applicability of R307-413-
15 3, other air contaminants that are drawn from the environment
16 through equipment in intake air and then are released back to
17 the environment without chemical change, as well as carbon
18 dioxide (CO₂), nitrogen (N₂), oxygen (O₂), argon (Ar), neon (Ne),
19 helium (He), krypton (Kr), xenon (Xe) should not be included in
20 emission calculations;

21 (d) the increase of allowable emissions from the change is
22 accompanied by an equivalent or greater decrease of allowable
23 emissions of the same air contaminants within the source at the
24 time of the change, so long as the emissions decrease is
25 enforceable in an approval order;

26 (e) the net emissions increase at the source, as defined
27 in R307-101-2, as a result of the change shall not constitute a
28 major modification, as defined in R307-101-2; and

29 (f) The owner or operator claiming an exemption pursuant
30 to R307-413-3 submits to the executive secretary a written
31 notice prior to the change. The notice shall include the
32 information specified in R307-413-2(2)(a) through (f) and a
33 description of where the owner or operator will reduce allowable
34 emissions at least equal to any increase in emissions from the
35 change.

36 (2) The approval order shall reflect emission increases
37 and decreases of emitting units at the source resulting from the
38 change.

39 (3) A source must go through the full Notice of Intent and
40 Approval Order requirements of R307-401 to change any limitation
41 which a source is relying on, either to avoid being classified
42 as a major source, or to avoid having a change in emissions be
43 considered a major modification.

44 (4) No comment period under R307-401-4 is required for
45 this approval order change and update.

46
47 **R307-413-4. Other Exemptions.**

1 The following sources are exempt from the notice of intent
2 and approval order requirements of R307-401.

3 (1) Fuel-burning equipment in which combustion takes place
4 at no greater pressure than one inch of mercury above ambient
5 pressure with a rated capacity of less than five million BTU per
6 hour using no other fuel than natural gas or LPG or other mixed
7 gas that meets the standards of gas distributed by a utility in
8 accordance with the rules of the Public Service Commission of
9 the State of Utah is exempt, unless there are emissions other
10 than combustion products.

11 (2) Comfort heating equipment such as boilers, water
12 heaters, air heaters and steam generators with a rated capacity
13 of less than one million BTU per hour if fueled only by fuel oil
14 numbers 1 - 6 is exempt.

15 (3) Emergency heating equipment, using coal or wood for
16 fuel, with a rated capacity less than 50,000 BTU per hour is
17 exempt.

18 (4) Exhaust systems for controlling steam and heat that do
19 not contain combustion products are exempt.

20 (5) New parking areas of less than 600 vehicles capacity
21 or modified parking areas increasing capacity by less than 350
22 vehicles are exempt.

23 (6) Emissions of 1,1,1-trichloroethane,
24 trichlorofluoromethane, dichlorodifluoromethane,
25 chlorodifluoromethane, trifluoromethane, 1,1,2-trichloro-1,2,2-
26 trifluoroethane, 1,2-dichloro-1,1,2,2-tetrafluoroethane,
27 methane, ethane, and chloropentafluoroethane are exempt.
28 However, the owner or operator of a source emitting 10 tons per
29 year or more of any of these compounds must submit a notice of
30 intent to the executive secretary prior to construction of the
31 source.

32 33 **R307-413-5. Replacement-in-Kind Equipment.**

34 (1) Applicability. The owner or operator of a stationary
35 source of air contaminants who modifies any process or replaces
36 any control apparatus that is covered by an existing approval
37 order, a previous approval order that has been superseded by an
38 operating permit, or a requirement contained in a State
39 Implementation Plan is exempt from the notice of intent and
40 approval order requirements of R307-401, when the replacement-
41 in-kind equipment meets all of the following conditions:

42 (a) potential to emit of the process equipment is the same
43 or lower;

44 (b) the number of emission points or emitting units is the
45 same or lower;

46 (c) no additional types of air contaminants are emitted as
47 a result of the replacement;

1 (d) the control apparatus or process equipment is
2 essentially the same as that being replaced and is not regulated
3 by any standard or requirement of 42 U.S.C. 7411 or 7412;

4 (e) the replacement of the control apparatus or process
5 equipment does not violate any other provision of Title R307.

6 (2) Replacement-in-Kind Procedures.

7 (a) In lieu of filing a notice of intent under R307-401,
8 an owner or operator of a stationary source proposing to replace
9 control apparatus or process equipment by in-kind equipment
10 shall submit a written notification to the executive secretary
11 for approval prior to initiation of replacement. The
12 notification shall contain a description of the replacement-in-
13 kind, to include the control capability of any control apparatus
14 and a demonstration that the conditions of (1) above are met.

15 (b) If the replacement-in-kind meets the conditions of (1)
16 above, the executive secretary will update the appropriate
17 approval order and notify the owner or operator. No public
18 comment period under R307-401-4 is required.

19
20 **R307-413-6. Reduction of Air Contaminants.**

21 (1) Applicability. The owner or operator of a stationary
22 source of air contaminants covered by an existing approval order
23 or a State Implementation Plan that reduces or eliminates air
24 contaminants by changing, substituting, or eliminating process
25 raw materials or process equipment, or uses a more efficient
26 process design, is exempt from the notice of intent and approval
27 order requirements of R307-401, when all the following are met:

28 (a) there is a permanent reduction of air contaminants per
29 year that is enforceable by an approval order;

30 (b) there are no new air contaminants emitted as a result
31 of the changes; and

32 (c) the changes do not violate any provision of Title R307
33 rules.

34 (2) Procedures for the Reduction or Elimination of Air
35 Contaminants Exemption. In lieu of filing a notice of intent
36 under R307-401, an owner or operator of a stationary source
37 making changes as described in (1) above shall submit a written
38 description of the changes to the executive secretary no later
39 than 60 days after the changes are made. The approval order
40 will be updated by the executive secretary to reflect the
41 reductions and other changes; no comment period under R307-401-4
42 is required.

43
44 **R307-413-7. Exemption from Notice of Intent Requirements for
45 Used Oil Fuel Burned for Energy Recovery.**

46 (1) Exemption. Boilers burning used oil for energy
47 recovery are exempt from the notice of intent requirement of

1 R307-401 if the following requirements are met:

2 (a) The heat input design is less than one million BTU/hr.

3 (b) Contamination levels of all used oil to be burned do
4 not exceed any of the following values:

5 (i) Arsenic - 5 ppm by weight

6 (ii) Cadmium - 2 ppm by weight

7 (iii) Chromium - 10 ppm by weight

8 (iv) Lead - 100 ppm by weight

9 (v) Total halogens - 1,000 ppm by weight

10 (vi) Sulfur - 0.50% by weight.

11 (c) The flash point of all used oil to be burned is no
12 less than 100 degrees Fahrenheit.

13 (2) Requirements. The owner/operator of boilers burning
14 used oil for energy recovery which are exempt under (1) above
15 shall only burn used oil meeting the requirements of (1)(b) and
16 (c) above and shall test each load of used oil received or
17 generated as directed by the executive secretary to insure it
18 meets these requirements. Testing may be performed by the
19 owner/operator or documented by test reports from the used fuel
20 oil vendor. The flash point must be measured using the
21 appropriate ASTM method as required by the executive secretary.
22 Records for used oil consumption and test reports are to be kept
23 for all periods when fuel burning equipment is in operation.
24 The records shall be kept on site and made available to the
25 executive secretary or his representative upon request. Records
26 must be kept for a three year period.

27
28 **R307-413-8. De minimis Emissions From Air Strippers and Soil**
29 **Venting Projects.**

30 (1) An owner or operator of an air stripper or soil
31 venting system will not be required to obtain an approval order
32 under R307-401 to conduct remediation of contaminated
33 groundwater or soil, if the owner or operator submits written
34 documentation of the following to the executive secretary prior
35 to beginning the remediation project:

36 (a) the estimated total air emissions of volatile organic
37 compounds from a given project are less than the de minimis
38 emissions listed in R307-413-2(1)(c), and

39 (b) the level of any one hazardous air pollutant or any
40 combination of hazardous air pollutants is below the levels
41 listed in R307-410-4(1)(d).

42 (2) After beginning the soil remediation project, the
43 owner or operator shall submit emissions information to the
44 executive secretary to verify that the emission rates of the
45 volatile organic compounds and hazardous air pollutants in (1)
46 are not exceeded. Emissions estimates of volatile organic
47 compounds and hazardous air pollutants shall be based on test

1 data obtained in accordance with the test method in the EPA
2 document SW-846, Test #8020 or #8021 or other test or monitoring
3 method approved by the executive secretary. Results of the test
4 and calculated annual quantity of emissions of volatile organic
5 compounds and hazardous air pollutants shall be submitted to the
6 executive secretary within one month of sampling. The test
7 samples shall be drawn on intervals of no less than twenty-eight
8 days and no more than thirty-one days (i.e., monthly) for the
9 first quarter, quarterly for the first year, and semi-annually
10 thereafter or as determined necessary by the executive
11 secretary.

12 (3) The following control devices do not require an
13 approval order under R307-401 when used in relation to an air
14 stripper or soil venting project applicable to this rule:

15 (a) thermodestruction unit with a rated input capacity of
16 less than five million BTU per hour using no other auxiliary
17 fuel than natural gas or LPG, or

18 (b) carbon adsorption unit.
19

20 **R307-413-9. De minimis Emissions From Soil Aeration Projects.**

21 An owner or operator of a soil remediation project is not
22 required to obtain an approval order under R307-401 when soil
23 aeration or land farming is used to conduct a soil remediation,
24 if the owner or operator submits written documentation of the
25 following to the executive secretary prior to beginning the
26 remediation project:

27 (1) the estimated total air emissions of volatile organic
28 compounds, using an appropriate sampling method, from a given
29 project are less than the de minimis emissions listed in R307-
30 413-2(1)(c);

31 (2) the levels of any one hazardous air pollutant or any
32 combination of hazardous air pollutants are less than the levels
33 in R307-410-4(1)(d); and

34 (3) the location of the remediation and where the
35 remediated material originated.
36

37 **KEY: waste oil*, permits, exemption*, de minimis***

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40 **19-2-104**

41 **19-2-108**
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